



DAC- *[Signature]*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF: Soubie

Our File: 109-1 US

Serial No: 10/717,914

Group: 1654

Filed: November 21, 2003

Examiner: LEITH, Patricia A.

Title: COMPOSITION FOR THE TREATMENT OF BURNS, SUNBURNS,
ABRASIONS, ULCERS AND CUTANEOUS IRRITATION

August 10, 2005

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Please find attached a Petition to Revive under 37 CFR 1.137(a). In addition, the applicant encloses a copy of the response that was timely filed in the USPTO on November 18, 2004. Applicant further substantiates this claim by attaching a copy of the USPTO mailroom stamped receipt indicating that the response was received in the USPTO mailroom on November 18, 2004.

In a recent telephone discussion with the Examiner, it was established that the required fee for filing a Petition to Revive would be waived in the event that we can provide evidence that the response was filed in a timely manner.

It is the applicant's belief that the attached documentation provides sufficient evidence that a response was filed in a timely manner, and it is respectfully requested that the petition fee be waived in this case.

We look forward to your favourable response and revival of this application.

Respectfully submitted,



Neil Teitelbaum

Encl.
/ewg

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

The above-identified application became abandoned for failure to timely file a proper reply to the Office letter mailed on October 20, 2004.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION NOTE:

A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

X Small entity-fee \$ _____ (37 CFR 1.17(i)). Applicant claims small entity status. See 37 CFR 1.27.

 Other than small entity – fee \$110.00 – (37 CFR 1.17(i))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ a written response _____ (identify type of reply):

X has been filed previously on November 18, 2004.

X is also enclosed herewith.

The issue fee of \$ _____

 has been paid previously on _____.

 is enclosed herewith (authorization for deposit account use)

2. Terminal disclaimer with disclaimer fee

 Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

 A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the response filed in a timely manner, is enclosed.

August 10, 2005

Date:

Telephone Number:

(613) 523 3784(Ext 100)

Address:



Signature:

Neil Teitelbaum

Typed or printed name

1187 Bank Street, Ste 201, Ottawa, Ontario, Canada K1S 3X7

Enclosures: ☐ Fee Payment
 ☐ Reply
 ☐ Terminal Disclaimer Form
 ☒ Additional sheets containing statements establishing unavoidable delay
 ☐ Other: _____

Respectfully submitted,



Neil Teitelbaum

Encl.

/ewg

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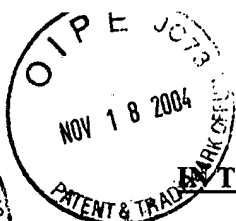
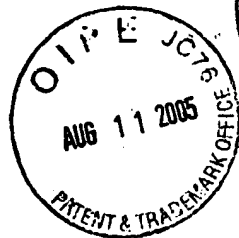
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Examiner: LEITH, Patricia A.

Title: **COMPOSITION FOR THE TREATMENT OF BURNS, SUNBURNS,
ABRASIONS, ULCERS AND CUTANEOUS IRRITATION**

November 16, 2004

Mail Stop Amendment
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

COPY

Sir:

In reply to the Office Action dated October 20, 2004, the following amendments and remarks are respectfully submitted in connection with the above-identified application.



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November 16, 2004

Mail Stop Amendment
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated October 20, 2004, the following amendments and remarks are respectfully submitted in connection with the above-identified application.

IN THE CLAIMS

Claim 1 (Original) A topical composition for treatment of burns of the skin consisting essentially of a mixture of olive oil, bees wax, lemon juice, and boric acid, wherein the amounts of olive oil and bees wax are such that the mixture is essentially a cream or a thick liquid, and wherein the total amounts by weight of olive oil and bees wax to boric acid is at least 10:1.

Claim 2 (Original) A topical composition for the treatment of burns of the skin as defined in claim 1 wherein the parts by weight ratio of olive oil to bees wax to lemon juice to boric acid are within 50% of 200 to 60 to 40 to 6 respectively.

Claim 3 (Original) A topical composition for the treatment of burns of the skin comprising: olive oil, bees wax, lemon juice, and boric acid.

Claim 4 (Original) A topical composition as defined in claim 3, wherein at least 80% of said composition consists of olive oil, bees wax, lemon juice and boric acid.

Claim 5 (Original) A topical composition as defined in claim 4, wherein by weight:
more olive oil is present than bees wax;
more bees wax is present than lemon juice; and,
more lemon juice is present than boric acid.

Claim 6 (Original) A topical composition as defined in claim 3, wherein:
the percentage by weight of said olive oil is 40-70%;
the percentage by weight of said beeswax is 12-25%;
the percentage by weight of said lemon juice is 12-25%; and,
the percentage by weight of said boric acid is 0.5 – 6%.

Claim 7 (Original) A topical composition as defined in claim 5 wherein the lemon juice by weight is between 5-20%.

Claim 8 (Original) A topical composition for treatment of burns of the skin as defined in claim 5 wherein olive oil is present 60-70% by weight, bees wax is present 16-24% by weight lemon juice is present 10-16% by weight, and boric acid is present 1-6% by weight.

Claim 9 (Withdrawn) A method of preparing the composition as defined in claim 1, comprising the steps of:

heating the olive oil and bees wax and mixing to form a mixture;

adding and mixing the boric acid into the mixture;

adding and mixing the lemon juice into the mixture; and,

allowing the mixture to cool.

REMARKS

Claims 1 to 9 are currently pending.

Claims 1 to 9 are subject to a restriction requirement under 35 USC 121 to elect a single disclosed invention.

Claims 1-8 are said to be drawn to a composition comprising lemon juice, olive oil, bees wax and boric acid.

Claim 9 is said to be drawn to a method for preparing the composition of claim 1.

It is further stated in the Office Action that it is clear from the invention of Group 1 that the constituents may be made from simply mixing the ingredients without any added heat.

The applicant elects group 1 claims 1-8 with traverse.

The applicant respectfully traverses the Examiner's statement. Simply mixing without the addition of heat would be very difficult since beeswax at room temperature is quite solid having little or no ability to mix unless heated.

Claim 9 has been withdrawn

It is respectfully submitted that all of the claims remaining in the application are in condition for allowance. Early and favourable consideration would be greatly appreciated.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No: 50-2810.

Please associate this application with Customer No: 24949.

Respectfully,



Neil Teitelbaum
Regn No: 38,793

Customer No: 24949

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